

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-11 and 26-41 are pending, of which claims 1-2, 5, 7-8, 26, 32, and 35-36 have been amended.

35 U.S.C. §102 Claim Rejections

Claims 1-11, 26, and 28-41 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,080,207 to Kroening et al. (hereinafter, "Kroening") (*Office Action* p. 2). Applicant respectfully traverses the rejection.

Claim 1 recites a method comprising:

generating an image of an operating system with a host computing device;

communicating the image of the operating system from the host computing device to a software development peripheral;

executing the operating system corresponding to the image with the software development peripheral;

communicating test information generated by the operating system corresponding to the image from the software development peripheral to the host computing device; and

displaying the test information generated by the operating system at the host computing device.

Kroening does not show or disclose each of the elements recited in claim 1, such as "communicating the image of the operating system from the host computing device to a software development peripheral", "executing the operating

1 system corresponding to the image with the software development peripheral",
2 and then "communicating test information generated by the operating system
3 corresponding to the image to the host computing device".

4 Kroening describes a system to create and deliver a software configuration
5 to a customer who purchases a computer (*Kroening* col.3, lines 59-61). An image
6 builder creates a disk image of a desired software configuration and then transfers
7 the image to a storage device which is connected to a server that delivers the
8 image (*Kroening* col.3, line 64 to col.4, line 1). The image builder receives a
9 customer order from an order entry system, and then obtains a starting
10 configuration (referred to as a baseline image) and additional incremental images
11 from the storage device to create the desired software configuration (*Kroening*
12 col.4, lines 8-18; col.4, lines 50-60).

13 The Office cites the image builder of Kroening as the recited software
14 development peripheral, but otherwise only refers to Figs. 1-4 of Kroening for
15 teaching the other components and features recited in claim 1 (*Office Action* p.2).
16 As described above, the image builder of Kroening receives a customer order from
17 an order entry system, but then transfers the image to a separate storage device.
18 Accordingly, Kroening does not show executing the operating system
19 corresponding to the image (which is received from the host computing device)
20 with the software development peripheral, and then communicating test
21 information generated by the operating system corresponding to the image from
22 the software development peripheral back to the host computing device, as recited
23 in claim 1.
24
25

1 Further, the image builder of Kroening does not execute an operating
2 system corresponding to the image to generate test information that is
3 communicated to the host computing device, as recited in claim 1. Kroening only
4 describes that a software configuration is created – not that the software is tested
5 or even executed. Presumably, the software obtained by the image builder from
6 the storage device in Kroening has already been tested for consumer use. For
7 example, Kroening describes that file names are examined by their name and
8 creation date to determine which are to be replaced (*Kroening* col.5, lines 11-13).
9 The baseline and/or additional incremental images (i.e., software as referred to in
10 Kroening) are merely layered by the image builder to create the desired software
11 configuration (*Kroening* col.4, lines 55-60). Kroening does not execute software
12 to generate test information and, as such, Applicant disagrees that Kroening is
13 even applicable as a reference with regard to the subject application.

14 Further, Kroening does not show displaying the test information generated
15 by the operating system (and received from the software development peripheral)
16 at the host computing device, as recited in claim 1. The Office cites Kroening for
17 a monitor (22) that permits the display of information (*Office Action* p.2; *Kroening*
18 col.6, lines 1-2). However, the monitor (22) cited by the Office is coupled to the
19 image builder as shown in Fig. 1 of Kroening. Contrary to Kroening, claim 1
20 recites that the test information generated at the software development peripheral
21 is communicated to the host computing device where the test information is
22 displayed. Kroening does not describe that test information is generated at a first
23 device and then communicated for display at a second device.
24
25

1 Accordingly, claim 1 is allowable over Kroening for at least these reasons
2 and Applicant respectfully requests that the §102 rejection be withdrawn.

3
4 Claims 2-11 are allowable by virtue of their dependency upon claim 1.
5 Additionally, some or all of claims 2-11 are allowable over Kroening for
6 independent reasons. For example:

7 Claim 2 recites "recognizing a configuration identification of the software
8 development peripheral with a cross-platform development component of the host
9 computing device when the software development peripheral is communicatively
10 linked with the host computing device."

11 The Office cites Kroening for "recognizing a configuration identification of
12 the software development peripheral", as recited in claim 2 (*Office Action* p.3;
13 *Kroening* col.3, lines1-7; col.7, lines 17-20). However, the cited sections of
14 Kroening simply refer to the image builder which identifies common portions of
15 multiple software configurations, and calculates a configuration identification of
16 entries in a bill of materials for a software configuration requested by a customer.
17 There is no mention in Kroening of a component in a device that recognizes a
18 configuration identification of a software development peripheral when the
19 software development peripheral is communicatively linked with the host
20 computing device, as recited in claim 2. Accordingly, claim 2 is allowable over
21 Kroening and the §102 rejection should be withdrawn.

22 Claim 5 recites "debugging the test information generated by the operating
23 system with a cross-platform development component of the host computing
24 device". Kroening does not show or disclose debugging test information, as
25

1 recited in claim 5. As described above in the response to the rejection of claim 1,
2 Kroening merely assembles software images to create a software configuration for
3 a customer. The software images in Kroening would presumably already be tested
4 and debugged for commercial use. Accordingly, claim 5 is allowable over
5 Kroening and the §102 rejection should be withdrawn.

6
7 Claims 5-6 and 8-11 recite features that have not been addressed by the
8 Office, and Applicant respectfully requests an examination of these claims if the
9 Office does not indicate that claims 5-6 and 8-11 are allowable in the next
10 non-final Office Action. At page 3 of the current Office Action, the Office
11 indicates that "claims 3, 5, 6-11 and 32, 35-41" are rejected, but then only
12 discusses features recited in claims 3 and 7. Accordingly, the §102 rejection
13 should be withdrawn.

14
15 Claim 26 recites a system, comprising:

16 a host computing device configured to generate an image of
17 an operating system; and

18 a software development peripheral configured to:

19 receive the image of the operating system from the host
20 computing device;

21 execute the operating system corresponding to the image of
22 the operating system; and

23 communicate test information generated by the operating
24 system to the host computing device for display.
25

1 The Office rejects claim 26 for the same reasons that claim 1 is rejected
2 (*Office Action* p.2). As described above in response to the rejection of claim 1,
3 Kroening does not show or disclose a software development peripheral to receive
4 an image of an operating system from a host computing device, execute the
5 operating system corresponding to the image, and then communicate test
6 information generated by the operating system to the host computing device for
7 display, as recited in claim 26.

8 Accordingly, claim 26 is allowable over Kroening for at least the several
9 reasons described above in response to the rejection of claim 1, and Applicant
10 respectfully requests that the §102 rejection be withdrawn.

11
12 Claims 27-41 are allowable by virtue of their dependency upon claim 26.
13 Additionally, some or all of claims 27-41 are allowable over Kroening for
14 independent reasons. For example:

15 Claim 28 recites that "the host computing device is further configured to
16 recognize the software development peripheral as a plug and play device when the
17 software development peripheral is communicatively linked with the host
18 computing device." The Office rejects claim 28 for the same reasons that claim 2
19 is rejected (*Office Action* p.3). As described above in response to the rejection of
20 claim 2, there is no mention in the cited sections of Kroening of a component in a
21 device that recognizes a software development peripheral as a plug and play
22 device when the software development peripheral is communicatively linked with
23 the host computing device, as recited in claim 28. Accordingly, claim 28 is
24 allowable over Kroening and the §102 rejection should be withdrawn.
25

1
2 Claims 27-41 are indicated as being rejected at page 3 of the current Office
3 Action. However, the Office only discusses features recited in claims 29-31 and
4 33-34. Claims 32 and 35-41 have not been addressed by the Office, and Applicant
5 respectfully requests an examination of these claims if the Office does not indicate
6 that claims 32 and 35-41 are allowable in the next non-final Office Action.

7
8 Conclusion

9 Pending claims 1-11 and 26-41 are in condition for allowance. Applicant
10 respectfully requests reconsideration and issuance of the subject application. If
11 any issues remain that preclude issuance of this application, the Examiner is urged
12 to contact the undersigned attorney before issuing a subsequent Action.

13
14 Respectfully Submitted,

15
16 Dated: May 13, 2005

17 By: 

18 David A. Morasch
19 Lee & Hayes, PLLC
20 Reg. No. 42,905
21 (509) 324-9256 x 210
22
23
24
25